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Antonelli Terry Stout & Kraus LLP 1300 North Seventeenth Street Suite 1800 Arlington, VA 22209			EXAMINER GREENE, DANIEL L	
			ART UNIT 3621	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/511,237

**Applicant(s)**

ZILLIACUS ET AL.

**Examiner**

Daniel L. Greene

**Art Unit**

3621

My

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 and 115-174 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60, 115-174 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Response to Amendment***

The Applicant has amended claims 1,4,13,14,25,28,37,40,44,49,52,and 57 with either adding the word "content" in place of "goods and services" or adding " within the network which is a wireless network operated by the network operator". Neither of these changes adds to nor modifies the original concept or limitations presented in the past actions.

The Applicant further added a common dependent claim (claims 115 to 174) to the claims 1-60. The common dependent claim states, " the network is a wireless network operated by the said network operator: and the user uses a mobile station within the wireless network to receive the content at the second location".

Neither of the prior Amendments negates the previous rejection presented because Talati teaches the use of "suitable network, telephone virtual circuits, etc" as well as Gershman teaching about wireless phones or similar hand-held wireless device with Internet Protocol capability. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*. The Examiner submits that replacing hard-wired telephone service with cellular service does not render an Application unique or original. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention " as a whole" would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the

particular language does not serve as a limitation on the claim (i.e., "the network is a wireless network operated by the said network operator; and the user uses a mobile station within the wireless network to receive the content at the second location".) It would have been obvious at the time of the invention to one of ordinary skill in the art to replace the hard-wired telephone system of Talati with a wireless system . Such a modification does not advance the technology of the system presented by the previous art because the outcome of the system would be the same whether the transactions are done over a hard-wired or mobile device.

The issue that all claims recite ordering of the content or contents occurs at the first location with the delivery being at the second location has been addressed in the prior action and is presented in the proceeding action.

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3,12, 25-27,37-39, 49-51,60 and 61-114 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over Talati et al. US 5,903,878 – Talati '878, Teper et al. US 5,815,665 – Teper'665 and further in view of Gershman et al. U.S. Patent 6,401,085- Gershman '085.**

As per claims 1,49.

Talati '878 discloses:

ordering and paying for the content by a user selected from a content provider;

Fig. 6

transmitting a first service response value calculated by the user to the content provider; Col.3, lines 12-29.

calculating a second service response value by a network operator when the user requests the content from the network operator; Col. 6, lines 1-15.

verifying, by the network operator contacting the content provider, that the first service response value matches the second service response value; Col.6, lines 61-68, Col. 7, lines 1-24.

transmitting the content to the user when the first service response value matches the second service response value. Col. 7, lines 18-20.

at least one of ordering and paying for the content, transmitting the first service response value, and transmitting the content is done by a network. Col. 3, lines 55-60

Talati '878 discloses the claimed invention except for the transmitting the content to the user by the network operator (Broker). Teper'665 teaches that it is known to transmit the content to the user by the network operator (Broker). It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the content to the user by the network operator as taught by Teper'665, since Teper'665 demonstrates in Fig. 3 that such a modification allows users to purchase

contents online without having to reveal personal information about themselves or their account numbers.

Teper'665 discloses the claimed invention except for the user at a first location receiving the content ordered at a second location. Gershman '085 teaches that it is known in the art to provide a the user at a first location receiving the content ordered at a second location. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic commerce transaction method of Talati '878 with the user at a first location receiving the content ordered at a second location of Gershman '085, in order to clarify the use of the Internet, smart phones, and screen phones for the purchase of goods and having them delivered to a second location.

As per Claims 2,38 & 50.

Talati '878 further discloses the claimed invention, as discussed above, except for the step of wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user. However, Talati '878 teaches about the TA (service provider) and the user (client) using suitable encryption methods and a random number (unique transaction identifier). Col. 3, lines 4-33. It would have been an obvious matter of design choice to modify the teachings of Talati '878 further, to provide the step of wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user. Since the

applicant has not disclosed that wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Talati '878 further will perform the invention as claimed by the applicant with any method, means, or product to wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user.

As per Claims 3, 27,39 & 51.

Talati '878 further discloses the claimed invention except for the wherein the second service response value is calculated by the network operator based on a random number received from the user and a second secret key possessed by the network operator and associated with the user. Teper'665 teaches that it is known to wherein the second service response value is calculated by the network operator based on the random number received from the user and a second secret key possessed by the network operator and associated with the user. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the second service response value is calculated by the network operator based on the random number received from the user and a second secret key possessed by the network operator and associated with the user as taught by

Teper'665, since Teper'665 states at Col. 5&6, lines 1-68 that such a modification would provide the authentication required to identify the specific transaction between the network operator (Online Broker) and the user.

As per Claim 12 & 60.

Talati '878 and Teper'665 discloses the claimed invention and Talati '878 further teaches wherein the user pays the content provider for the content, using a credit card, debit card, or electronic transferal of funds. Col. 7, lines 24-68, Col. 8, lines 1-16.

As per Claim 25.

Talati '878 discloses as per Col.3, lines 4-60.

ordering the content from a network operator, having a content ID selected by a user;

transmitting a first service response value calculated by the user to the network operator;

calculating a second service response value by the network operator and determining if the first service response value matches the second service response value;

transmitting the content ID to the content provider;

transmitting the content to the user by the content provider when requested by the user.



at least one of ordering and paying for the content, transmitting the first service response value, and transmitting the content is done by a network. Col. 3, lines 55-60

Teper'665 discloses the claimed invention except for the user at a first location receiving the content ordered at a second location. Gershman '085 teaches that it is known in the art to provide a the user at a first location receiving the content ordered at a second location. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic commerce transaction method of Talati '878 with the user at a first location receiving the content ordered at a second location of Gershman '085, in order to clarify the use of the Internet, smart phones, and screen phones for the purchase of goods and having them delivered to a second location.

Talati '878 discloses the claimed invention, as discussed above, except for the step of calculating a cipher key. Talati '878 teaches the generation of encryption codes by the user. Col.3, lines 30-35. It would have been an obvious matter of design choice to modify the teachings of Talati '878, to provide the step of calculating a cipher key. Since the applicant has not disclosed that calculating a cipher key solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Talati '878 will perform the invention as claimed by the applicant with any method, means, or product to calculating a cipher key.

As per Claim 26.

Talati '878 further discloses;

wherein the user based on a random number calculates the first service response value supplied by the network operator and a first secret key possessed by the user. Col. 6, lines 62-68, Col. 7, lines 1-25.

As per Claim 37.

Talati '878 discloses:

ordering the content having a content ID by a user selected from a content provider; Fig. 6

transmitting a first service response value by the user to the content provider; Col.3, lines 12-29.

transmitting the first service response value and the random number to a network operator by the content provider; Col.3, lines 12-29.

calculating a second service response value by a network operator and determining if the first service response value matches the second service response value; Col. 6, lines 1-15.

transmitting the content to the user, when the first service response value matches second service response value, by the content provider. Col. 7, lines 18-20.

at least one of ordering and paying for the content, transmitting the first service response value, and transmitting the content is done by a network. Col. 3, lines 55-60

Teper'665 discloses the claimed invention except for the user at a first location receiving the content ordered at a second location. Gershman '085 teaches that it is known in the art to provide a the user at a first location receiving the content ordered at a second location. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic commerce transaction method of Talati '878 with the user at a first location receiving the content ordered at a second location of Gershman '085, in order to clarify the use of the Internet, smart phones, and screen phones for the purchase of goods and having them delivered to a second location.

Talati '878 discloses the claimed invention except for the limitations of including in the service response the additional data items of a mobile network identifier and a cipher key. However, Talati '878 teaches using suitable encryption methods and expands his description of it by detailing out additional security data such as social security numbers, driver's license number, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the data items used as taught by Talati '878 to increase the security of the code strings used.

As per claims 61-114:

Talati '878 discloses the claimed invention except for the network is a wireless network operated by the network operator, and the user uses a mobile station within the wireless network to receive the content at the second location. Talati teaches the

use of "suitable network, telephone virtual circuits, etc" as well as Gershman teaching about wireless phones or similar hand-held wireless device with Internet Protocol capability. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*. The Examiner submits that replacing hard-wired telephone service with cellular service does not render an Application unique or original. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention "as a whole" would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the particular language does not serve as a limitation on the claim (i.e., "the network is a wireless network operated by the said network operator: and the user uses a mobile station within the wireless network to receive the content at the second location".) It would have been obvious at the time of the invention to one of ordinary skill in the art to replace the hard-wired telephone system of Talati with a wireless system. Such a modification does not advance the technology of the system presented by the previous art because the outcome of the system would be the same whether the transactions are done over a hard-wired or mobile device.

Talati '878 discloses the claimed invention except for the user at a first location receiving the content ordered at a second location. Gershman '085 teaches that it is known in the art to provide a the user at a first location receiving the content ordered at

a second location. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic commerce transaction method of Talati '878 with the user at a first location receiving the content ordered at a second location of Gershman '085, in order to clarify the use of the Internet, smart phones, and screen phones for the purchase of goods and having them delivered to a second location.

**Claims 4-11,13-21,24, 28-35, 40-47, 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talati '878, Teper'665, Gershman '085 and further in view of Murto US 5,991,407-Murto' 407 .**

As per Claims 4,28,40,52.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for wherein the first secret key is contained in a subscriber identification module provided by the network operator and contained in the mobile station within the network which is a wireless network operated by the network operator in such a manner that the mobile user and a mobile station may not discover the value of the secret key. However, Talati '878 does teach about the use of the Internet, dial-up-network or any suitable network. Murto' 407 teaches that it is known to wherein the first secret key is contained in a subscriber identification module provided by the network operator and contained in the mobile station in such a manner that the user and the mobile station may not discover the value of the secret key.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the first secret key is contained in a subscriber identification module provided by the network operator and contained in the mobile station in such a manner that the user and the mobile station may not discover the value of the secret key as taught by Murto' 407, since Murto' 407 states at Col.1, lines 10-65 that such a modification would prevent the unauthorized monitoring of transactions and the identity of the parties involved.

As per Claims 5,29,41&53.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the wherein the second secret key is stored in an authentication center of a telecom infrastructure operated by the network operator and the first secret key and the second secret key are identical and assigned when the user subscribes for a telecommunication service provided by the network operator. Murto' 407 teaches that it is known to wherein the second secret key is stored in an authentication center of a telecom infrastructure operated by the network operator and the first secret key and the second secret key are identical and assigned when the user subscribes for a telecommunication service provided by the network operator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the second secret key is stored in an authentication center of a telecom infrastructure operated by the network operator and the first secret key and the second secret key are identical and assigned when the user subscribes for a telecommunication

service provided by the network operator, as taught by Murto' 407, since Murto' 407 states at Col. 1&2, lines 1-68 that such this modification would provide for the authentication and secrecy of the participants.

As per Claims 6,17,30,42&54.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the wherein the first service response value is calculated by an A3 algorithm module contained in the subscriber identification module of the mobile station based on the first secret key and the random number. Murto' 407 teaches that it is known to wherein the first service response value is calculated by an A3 algorithm module contained in the subscriber identification module of the mobile station based on the first secret key and the random number. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the first service response value is calculated by an A3 algorithm module contained in the subscriber identification module of the mobile station based on the first secret key and the random number as taught by Murto' 407, since Murto' 407 states at Col. 5, lines 62-68, Col. 6, lines 1-27 that such a modification would provide the algorithms required for the authentication of the messages.

As per Claims 7,18,31,43 & 55.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the wherein the second service response value is calculated by an A3

algorithm module, contained in the authentication center of the telecom infrastructure, based on the second secret key, contained in the authentication center of the telecom infrastructure, and the random number. Murto' 407 teaches that it is known to wherein the second service response value is calculated by an A3 algorithm module, contained in the authentication center of the telecom infrastructure, based on the second secret key, contained in the authentication center of the telecom infrastructure, and the random number. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the second service response value is calculated by an A3 algorithm module, contained in the authentication center of the telecom infrastructure, based on the second secret key, contained in the authentication center of the telecom infrastructure, and the random number as taught by Murto' 407, since Murto' 407 states at Col. 5, lines 62-68, Col. 6, lines 1-27 that such a modification would provide the algorithms required for the authentication of the messages.

As per Claims 8,19,32,44 & 56.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the wherein the mobile station is a cellular phone with GSM authentication capability connected to a processor based system, or a WAP-capable cellular phone with GSM authentication capability, or a HTML capable cellular phone with GSM authentication capability. Murto' 407 teaches that it is known to wherein the mobile station is a cellular phone with GSM authentication capability connected to a processor



based system, or a WAP-capable cellular phone with GSM authentication capability, or a HTML capable cellular phone with GSM authentication capability. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the mobile station is a cellular phone with GSM authentication capability connected to a processor based system, or a WAP-capable cellular phone with GSM authentication capability, or a HTML capable cellular phone with GSM authentication capability's taught by Murto' 407, since Murto' 407 states at Col. 3, lines 1-68, that such a modification would provide GSM capabilities to the system.

As per Claims 9,20,33,45 & 57.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the wherein the content is encrypted by the network operator using a cipher key, calculated by an A8 algorithm module based on the random number and the second secret key, prior to transmitting the content to the user. Murto' 407 teaches that it is known to wherein the content is encrypted by the network operator using a cipher key, calculated by an A8 algorithm module based on the random number and the second secret key, prior to transmitting the content to the user.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the content is encrypted by the network operator using a cipher key, calculated by an A8 algorithm module based on the random number and the second secret key, prior to transmitting the content to the user as taught by Murto' 407,

since Murto' 407 states at Col. 5, lines 62-68, Col. 6, lines 1-27 that such a modification would provide the algorithms required for the authentication of the messages.

As per Claims 10,21,34,46 & 58.

Talati '878, Teper'665 and Gershman '085 discloses the claimed invention except for the further comprising decrypting the content by the mobile station using an A8 algorithm module contained in the subscriber identification module of the mobile station to generate the cipher key based on the random number and the first secret key. Murto' 407 teaches that it is known to further comprising decrypting the content by the mobile station using an A8 algorithm module contained in the subscriber identification module of the mobile station to generate the cipher key based on the random number and the first secret key.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further comprising decrypting the content by the mobile station using an A8 algorithm module contained in the subscriber identification module of the mobile station to generate the cipher key based on the random number and the first secret key as taught by Murto' 407, since Murto' 407 states at Col. 7, lines 62-68, Col. 7, lines 1-58 that such a modification would provide the algorithms required generating the cipher key to open up the message.

As per Claims 11,24,35,47&59.

Talati '878, Teper'665, Gershman '085 and Murto' 407 discloses the claimed invention, as discussed above, except for the step of wherein the cipher key is used as a seed to a cryptographic protocol which transforms the cipher key into a stronger cipher key. It would have been an obvious matter of design choice to modify the teachings of Talati '878, Teper'665 and Murto' 407, to provide the step of wherein the cipher key is used as a seed to a cryptographic protocol which transforms the cipher key into a stronger cipher key. Since the applicant has not disclosed that wherein the cipher key is used as a seed to a cryptographic protocol which transforms the cipher key into a stronger cipher key solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Talati '878, Teper'665 and Murto' 407 will perform the invention as claimed by the applicant with any method, means, or product to wherein the cipher key is used as a seed to a cryptographic protocol which transforms the cipher key into a stronger cipher key.

As per Claim 13.

Talati '878 discloses:

ordering the content having a content ID by a user selected from a content provider; Fig. 6

transmitting a first service response value by the user to the content provider;  
Col.3, lines 12-29.

transmitting the first service response value and the random number to a  
network operator by the content provider; Col.3, lines 12-29.

calculating a second service response value by a network operator and  
determining if the first service response value matches the second service response  
value; Col. 6, lines 1-15.

transmitting the content to the user, when the first service response value  
matches second service response value, by the content provider. Col. 7, lines 18-20.

at least one of ordering and paying for the content, transmitting the first service  
response value, and transmitting the content is done by a network. Col. 3, lines 55-60

Teper'665 discloses the claimed invention except for the user at a first location  
receiving the content ordered at a second location . Gershman '085 teaches that it is  
known in the art to provide a the user at a first location receiving the content ordered at  
a second location. It would have been obvious to one having ordinary skill in the art at  
the time the invention was made to provide the electronic commerce transaction method  
of Talati '878 with the user at a first location receiving the content ordered at a second  
location of Gershman '085, in order to clarify the use of the Internet, smart phones, and  
screen phones for the purchase of goods and having them delivered to a second  
location.

Talati '878 discloses the claimed invention except for the limitations of including in the service response the additional data items of a mobile network identifier and a cipher key. However, Talati '878 teaches using suitable encryption methods and expands his description of it by detailing out additional security data such as social security numbers, driver's license number, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the data items used as taught by Talati '878 to increase the security of the code strings used.

As per Claim 14.

Talati '878 further discloses the claimed invention, as discussed above, except for the step of wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user. However, Talati '878 teaches about the TA (service provider) and the user (client) using suitable encryption methods and a random number (unique transaction identifier). Col. 3, lines 4-33. It would have been an obvious matter of design choice to modify the teachings of Talati '878 further, to provide the step of wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user. Since the applicant has not disclosed that wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it

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appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Talati '878 further will perform the invention as claimed by the applicant with any method, means, or product to wherein the first service response value is calculated by the user based on a random number supplied by the content provider and a first secret key possessed by the user.

Talati '878 discloses the claimed invention, as discussed above, except for the step of containing the information in a mobile station within the network which is a wireless network operated by the network operator. It would have been an obvious matter of design choice to modify the teachings of Talati '878, to provide the step of containing the information in a mobile station within the network which is a wireless network operated by the network operator. Since the applicant has not disclosed that containing the information in a mobile station within the network which is a wireless network operated by the network operator solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Talati '878 will perform the invention as claimed by the applicant with any method, means, or product to containing the information in a mobile station.

As per Claim 15.

Talati '878 discloses the claimed invention except for the limitations of including in the service response the additional data items of a mobile network identifier and a

cipher key. However, Talati '878 teaches using suitable encryption methods and expands his description of it by detailing out additional security data such as social security numbers, driver's license number, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the data items used as taught by Talati '878 to increase the security of the code strings used.

As per Claim 16.

Talati '878 discloses the claimed invention except for the wherein the first secret key is not accessible directly by the user or the mobile station and the value of the secret key may not be discovered by the user, but is identical to the second secret key and both the first secret key and the second secret key are assigned when the user subscribes for a telecommunication service provided by the network operator.

Teper'665 teaches that it is known to wherein the first secret key is not accessible directly by the user or the mobile station and the value of the secret key may not be discovered by the user, but is identical to the second secret key and both the first secret key and the second secret key are assigned when the user subscribes for a telecommunication service provided by the network operator.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the first secret key is not accessible directly by the user or the mobile station and the value of the secret key may not be discovered by the user, but is identical to the second secret key and both the first secret key and the second secret key are assigned when the user subscribes for a telecommunication

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service provided by the network operator as taught by Teper'665, since Teper'665 states at Col. 5&6, lines 1-68 that such a modification would provide the control and authentication to protect/identify specific information.

**Claims 22,23,36,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talati '878, Gershman '085, and further in view of Teper'665, Murto' 407 and Meander US 6,029,151-Nikander '151.**

As per Claims 22,36,48.

Talati '878, Teper'665 ,Gershman '085 and Murto' 407 discloses the claimed invention except for the wherein the user is billed by the network operator for the content in a telephone bill. Nikander '151 teaches that it is known to wherein the user is billed by the network operator for the content in a telephone bill. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the user is billed by the network operator for the content in a telephone bill as taught by Nikander '151, since Nikander '151 states at Col. 2, lines 55-68 that such a modification would provide an easy way for the customer to use electronic money.

As per claim 23.

The method recited in claim 13, further comprising:

hashing, by the user, a price of the content, the random number and a seller ID to create a hashed number;



computing, by the user, the first service response value based on the secret key and the hashed random number;

transmitting, by the user, the first service response value to the content provider;

transmitting, by the content provider, the random number, the sellers ID the price of the content and the first service response to the network operator;

computing, by the network operator, the second service response value based on the secret key, the price transmitted by the content provider and the random number;

verifying, by the network operator that the first service response value matches the second service response value;

billing the user, by the network operator, the price when the first service response value matches the second service response value in a telephone bill.

Each of these limitations has been addressed in the previous claims and therefore requires no further examination and description of what was previously cited.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

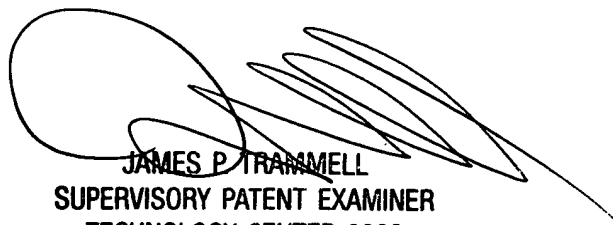
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/24/04

DLG



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